

09/966263
JC541 U.S. PTO

09/28/01

Address to: Box PATENT APPLICATION Assistant Commissioner for Patents Washington, DC 20231	Attorney Docket No.	98-017-TAX
	Inventor(s) or Application Identifier: MARK A. BAKKE ET AL.	

1. This application entitled INTELLIGENT DATA STORAGE MANAGER is:
- a. A new application under 37 C.F.R. §1.53(b).
- b.
A X continuation divisional or continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. 09/232,431 filed on January 15, 1999, entitled INTELLIGENT DATA STORAGE MANAGER.

2. X Specification (incl. Claims and Abstract) [Total Pages 14]

3. X Drawings (informal X formal) [Total Sheets 2]

4. X Oath or Declaration

 a. Newly-executed

 b. X Copy from a prior application (37 C.F.R. § 1.63(d))

5. X Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).

 a. **DELETE** the following inventor(s) named in the prior nonprovisional application:

 b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

I hereby certify that this UTILITY PATENT APPLICATION TRANSMITTAL and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

STEPHANIE KLEPP
(Type or print name of person mailing paper)

Annalee K.
(Signature of person mailing paper)

7. Preliminary Amendment:

- a. ☒ A Preliminary Amendment is attached.
- b. ☒ Cancel in this application original claims 2, 3, 8 and 9 of the prior application before calculating the filing fee.
- c. ☒ Please amend the specification by inserting before the first line the sentence:
 "This is a
☒ continuation
☐ divisional
 of copending application(s)
☒ Serial number 09/232,431 filed on January 15, 1999.
- d. ☐ A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

8. Small entity status:

- a. ☐ A small entity statement is attached.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer desired.

9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	14-20 =		X 18.00	
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	8-3 =	5	X 80.00	\$400.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			270.00	
			BASIC FEE (37 C.F.R. § 1.16(a))	710.00
			Total of above Calculations =	710.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28)				
Assignment Recordal Fee			40.00	
TOTAL =				\$1,100.00

10. ☒ The Commissioner is hereby authorized to charge Storage Technology Corporation Deposit Account No. 19-4545 in the amount of \$1,100.00.
11. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Storage Technology Corporation Deposit Account No. 19-4545:
- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.

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— A request for extension of time and the appropriate fee have been filed in the pending **prior** application (or are being filed in the prior application concurrently herewith) to extend the period for response until _____.

13. X An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:

- a. X Form PTO/SB/08 (1 sheet(s))
- b. X Copies of references cited

14. Certified copy of priority document(s)

15. X Return Receipt Postcard

16. Other: _____

17. X An Assignment of the invention to Storage Technology Corporation

- a. is attached.

- b. X was recorded on January 15, 1999 at Reel 9721, Frame 0407.

18. The power of attorney in the prior application is to:

Name of Attorney of Record

Reg. No.

- The power appears in the original papers in the prior application.

- ____ The power does not appear in the original papers, but was filed on ____.

- A new power has been executed and is attached.

19. Correspondence Address: Please address all future communications to:

Wayne P. Bailey
Storage Technology Corporation
One StorageTek Drive, MS-4309
Louisville, Colorado 80028-4309
Telephone: 303-673-5989; Fax: 303-673-4151

Respectfully submitted,

Date: September 28, 2001

Name: Wayne P. Bailey
Registration No.: 34,289

- X Attorney or agent of record
Filed under Rule 34(a)